

EXHIBIT 1

THOMAS REILLY

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

THOMAS REILLY : CASE NO.
: 2:17-CV-02045-JCJ
vs. :
:
GLAXOSMITHKLINE, LLC :

- - -

TUESDAY, DECEMBER 11, 2018

- - -

VIDEOTAPE DEPOSITION OF THOMAS
REILLY, taken pursuant to notice, was held
at the law offices of Reed Smith LLP, Three
Logan Square, 1717 Arch Street, Suite 3100,
Philadelphia, PA 19103, commencing at 9:36
a.m., before Kimberly S. Gordon, a
Registered Professional Reporter, Certified
Court Reporter and Notary Public.

- - -

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THOMAS REILLY

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2 I N D E X

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4

5 Testimony of: THOMAS REILLY

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7

8 By Ms. Graumlich.....7

9 By Mr. Pollins.....268

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13 E X H I B I T S

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15 EXHIBIT NUMBER DESCRIPTION PAGE MARKED

16 Reilly-1 Plaintiff0046140-46141 55

17 Reilly-2 Complaint 123

18 Reilly-3 Plaintiff0000026 127

19 Reilly-4 Plaintiff0022730-22738 136

20 Reilly-5 Plaintiff0000001-00006 184

21 Reilly-6 Plaintiff0030075 192

22 Reilly-7 Plaintiff0030079 194

23 Reilly-8 Plaintiff0000420-00426 202

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2	Reilly-10	Plaintiff0000084-00085	233
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4	Reilly-12	Plaintiff0000303-00304	250
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2 DEPOSITION SUPPORT INDEX

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4

5 Direction to Witness Not to Answer

6 Page Line

7 None

8

9

10 Request for Production of Documents

11 Page Line

12 247 21

13 248 15

14

15

16 Stipulations

17 Page Line

18 None

19

20

21 Confidential Portion

22 Page Line

23 21 9

24 201 15

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1 THE VIDEOGRAPHER: We are now
2 on the record. My name is Daniel
3 Burke. I'm a videographer retained
4 by Elite Litigation Solutions.

5 This is a video deposition for
6 the United States District Court,
7 Eastern District of Pennsylvania.
8 Today's date is December 11, 2018,
9 and the video time is 9:36.

10 This deposition is being held
11 at 1717 Arch Street, 31st Floor,
12 Philadelphia, Pennsylvania, in the
13 matter of Reilly versus
14 GlaxoSmithKline, LLC. The deponent
15 is Thomas Reilly.

16 All counsel will be noted on
17 the stenographic record. The court
18 reporter is Kimberly Gordon and will
19 now swear-in the witness.

20 - - -

21 THOMAS REILLY, after having
22 been duly sworn, was examined and
23 testified as follows:

24 - - -

THOMAS REILLY

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1 Q. Why did you leave Safeguard?

2 A. The company just wasn't strong and it
3 was going through some leadership challenges,
4 and it just -- I just found a better
5 opportunity.

6 Q. Did you leave voluntarily?

7 A. Yes.

8 Q. What was the better opportunity you
9 found?

10 A. That was at GlaxoSmithKline.

11 Q. When did you join GSK?

12 A. I believe it was May of 1999, April
13 or May. I believe it was May of 1999.

14 Q. And what was your job title when you
15 started working at GSK?

16 A. It might have been like an AS/400
17 Analyst or something along those lines. To
18 be perfectly honest, I do not remember. I
19 could find out, but I don't remember the
20 exact title.

21 Q. Did your -- strike that.

22 Does GSK have salary bands for
23 management employees?

24 A. They have salary bands for all

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1 Q. So, from the time you were promoted
2 to senior consultant until you left, your pay
3 band never changed. Is that correct?

4 A. The band never changed, right.

5 Q. And I assume there is levels of
6 salaries within a pay band. Is that right?

7 A. Yes. Yes.

8 Q. Now, you mentioned earlier that Jaime
9 Burke hired you. Is that right?

10 A. Yes.

11 Q. Was that the first person you
12 reported to at GSK?

13 A. Yes.

14 Q. How long did you report to Jaime
15 Burke?

16 A. He moved into a new position in 2001.
17 So it was from 1999 to 2001.

18 Q. And after you reported to Jaime
19 Burke, who did you report to next?

20 A. Brian Gillies, G-I-L-L-I-E-S.

21 Q. How long did you report to Brian
22 Gillies?

23 A. From 2001 until 2012 -- 2001 through
24 2011. He left, he moved out right in the

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1 beginning of 2012.

2 Q. And what position did Brian Gillies
3 go to when he moved out?

4 A. He moved from the AS/400 Service
5 Manager to be the leader of Document
6 Management.

7 Q. Do you know if his management level
8 or pay band changed when he went to Document
9 Management? In other words, was that a
10 lateral position or a promotion?

11 A. From a pay scale standpoint, I have
12 no insight. I would imagine that he stayed
13 at the same sal-, and this is just
14 speculation, I don't believe that he changed
15 bands. But as far as the job itself, it was
16 a serious demotion.

17 Q. It was a demotion?

18 A. Yes.

19 Q. Why do you think it was a demotion?

20 A. Because there were a lot of problems
21 with the service.

22 Q. But what do you mean by "service"?

23 A. The AS/400 service.

24 Q. What were those problems?

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1 A. Serious security exposures, serious
2 performance problems.

3 Q. What were the security exposures?

4 A. I don't know where to begin. People
5 with, users with too much authority. Systems
6 not being set up securely.

7 Q. Anything else?

8 A. Systems not configured correctly.
9 People making unauthorized changes to system
10 security.

11 Q. Anything else?

12 A. Servers being built without following
13 IT controls and change management and best
14 practices. Systems being compromised.

15 Q. Compromised how?

16 A. You have a consultant overseas that
17 has too much authority, and somebody in
18 Access Management would take their authority
19 away. So he'd call his buddy who also had
20 too much authority, and they'd just give it
21 back to him. There was just -- the IT
22 controls had just broken down.

23 There's much more than that. But as
24 much as I can recall off the top of my head

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1 to do the technical work and be the technical
2 lead.

3 Q. Did you say Bally's or GSK?

4 A. I'm sorry. GSK. I'm sorry.

5 They had a lot of work that needed to
6 be done. And Brian has never signed onto an
7 AS/400. He's just a manager who got the job
8 during the SmithKline Beecham/Glaxo welcome
9 merger. He got this job but was not really
10 qualified.

11 So the understanding was that Brian
12 would be the manager of the team but I was
13 the technical lead. He depended on me to
14 make him successful, and I depended on him to
15 make me successful.

16 Q. Who did Brian Gillies report to?

17 A. In 2003?

18 Q. Yes.

19 A. It was either Steve Miller or John
20 Borrer. You know, I just want to go on
21 record as saying that I can't say for sure.

22 Q. What position was John Borrer in that
23 he was able to promote you?

24 A. He eventually became a VP. He might

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1 have been a director at the time. I believe
2 he was at least a director. I've never known
3 John to be anything less than a director.

4 But he could have been a VP at the
5 time. It's just been too long and I just
6 can't remember.

7 Q. Now, you said the understanding was
8 that one day you would be the manager. How
9 did you gain that understanding?

10 A. Because I discussed it with John and
11 I discussed it with Brian Gillies. I had a
12 review with Brian Gillies every year, and I
13 always overachieved. And we often talked
14 about the day that he retired. Because he
15 wanted to retire some day, and he -- we had
16 many informal conversations where it was just
17 assumed that one day I would be put into that
18 position.

19 Q. How far away was Brian Gillies from
20 retirement when you stopped reporting to him?

21 A. I don't know.

22 Q. Do you know how much -- strike that.

23 Do you know if he was older than you?

24 A. I believe so. I don't know how old

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1 he was, but I believe he was older than me.

2 I'm confident that he was, but I couldn't say
3 for sure.

4 Q. How many conversations did you have
5 with John Borrer about your eventually taking
6 over for Brian Gillies as the manager?

7 A. I think it was just that one
8 conversation when he called me into his
9 office when I had let them know that I was
10 going to be leaving the company.

11 Q. What was the lucrative opportunity
12 that you passed on to stay at GSK?

13 A. I do not remember at this point. It
14 was a management position, but I could not
15 tell you.

16 Q. Who did you report to after you
17 stopped promoting to -- strike that.

18 Who did you report to after you
19 stopped reporting to Brian Gillies?

20 A. Jo Taylor.

21 Q. How long did you report to Jo Taylor?

22 A. From the beginning -- from early 2012
23 through 2015.

24 Q. And were there any times during that

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1 them were just like the state of certain
2 things.

3 Q. Now, what do you mean when you refer
4 to Sarb-Ox compliant?

5 A. In what context?

6 Q. In the context you just used it. You
7 said you need security reports --

8 A. Yes, we had --

9 Q. -- to be Sarb-Ox compliant.

10 A. No. The system had to be Sarb-Ox
11 compliant. One of the controls was to have
12 security reports. There were a lot of
13 internal controls. And in order to be --

14 Q. But --

15 A. -- Sarb-Ox compliant, we had Sarb-Ox
16 audits every once in a while, and we had to
17 have security reports so the Access
18 Management people could see what was
19 happening so that if we had an internal or an
20 external audit they'd be ready.

21 Q. By "Sarb-Ox", I assume you're
22 referring to Sarbanes-Oxley?

23 A. Yes.

24 Q. Have you ever had any training in the

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1 -- strike that.

2 What training if any have you had on
3 Sarbanes-Oxley while you worked at GSK?

4 A. I don't know the exact name of the
5 training, but I have transcripts of the
6 training.

7 Q. What do you mean by you have
8 transcripts of the training?

9 A. Well, I mean we each had a, everybody
10 had, you could log onto the online learning
11 system and see your transcript of all the
12 trainings you've ever had, and a good portion
13 of them were Sarbanes-Oxley training.

14 Q. Tell me what you remember about the
15 Sarbanes-Oxley training that you took at GSK.

16 A. I don't remember the actual details,
17 but it stressed the importance to the company
18 of being Sarbanes-Oxley compliant.

19 Q. What does that mean? What was your
20 understanding of what that meant?

21 A. Sarbanes-Oxley means that you have
22 internal controls in place and those internal
23 controls are effective and that they're being
24 enforced. You have to follow your own

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1 with that if it was determined that
2 something wasn't --

3 BY MS. GRAUMLICH:

4 Q. By "we", you mean the team that all
5 reported to Brian Gillies?

6 A. Could be our group, yes.

7 Q. Now, you testified earlier that you
8 got along with Brian Gillies until 2010.

9 What happened in 2010?

10 A. Actually, I want to modify that. It
11 was 2011.

12 Q. So, from 2001 to 2011, you got along
13 with Brian and then something happens?

14 A. Yes.

15 Q. What happens?

16 A. Rick Oberholzer made a change on the
17 North America Pharmaceutical and Financial
18 server against my strong recommendation.

19 Q. And what change did Rick Oberholzer
20 made?

21 A. He enabled something called uncapped
22 processors.

23 Q. What is an uncapped processor?

24 A. A server is generally configured and

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1 designed to run at 100 percent CPU
2 utilization. All of the other components,
3 the memory and the disc arms and everything
4 are designed to run at 100 percent. Just
5 like a car, let's say the fastest car can go
6 is 100 percent. He changed that so that the
7 system could run at a couple hundred percent
8 CPU. I warned him not to do it. I told him
9 not to do it. And he made that change, and
10 it brought the system to its knees.

11 I built that server. It was
12 responsible for between 100 and \$150,000,000
13 a day in revenue because it was an order
14 management system and it also ran their
15 financials and it supported 90 percent of
16 North America orders and 60 percent of global
17 orders, and it came to its knees. And it
18 was, it was a big deal.

19 Q. Now, what was the server that he made
20 the change on?

21 A. North America Pharmaceutical.

22 Q. And --

23 A. It's called -- if you put
24 Enterprise 1 next to it, that was something

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1 else that's known as the Enterprise 1 server.

2 Enterprise 1 is the financial application
3 that runs on the system.

4 Q. What applications ran on the North
5 American Pharma server?

6 A. Enterprise 1. It hosted --
7 Enterprise 1 could run financials and it
8 could run order management.

9 Q. Anything else?

10 A. It was designed to run in conjunction
11 with some servers that did financial
12 reporting.

13 Q. Did the Enterprise 1 have anything to
14 do with the actual manufacture of
15 pharmaceuticals?

16 A. I'm not sure I understand your
17 question.

18 Q. Did the North American Pharma server,
19 was it second to any manufacturing
20 operations?

21 A. No. It was a stand-alone financial
22 server that I had built. They migrated from
23 an expensive mainframe application. I built
24 that server for them, delivered it, tuned it,

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1 turned it over to them, and it was running
2 perfectly.

3 Q. Why did Rick Oberholzer make the
4 change to an uncapped processing?

5 A. Because he could. I don't have a
6 good answer for that. He --

7 Q. Did he ever tell anyone, either to
8 you or that you heard, what he thought the
9 benefits of moving to an uncapped processor
10 were?

11 A. I guess he thought that if the server
12 ran at 300 percent or 400 percent instead of
13 100 percent, in his head, he thought it would
14 be a good thing, but it's like the equivalent
15 of driving your car on the highway 400 miles
16 an hour.

17 Q. Is uncapped processing, is that an
18 available feature of the IBM iSeries, AS/400
19 iSeries?

20 A. The iSeries hardware can run the
21 operating system OS/400, and it can run
22 another operating system called AIX. As an
23 analogy, let's say your laptop could run
24 Windows or macOS. It's the same thing. It

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1 could run two different operating systems.

2 The hardware you could enable
3 uncapped processors and it was supported in
4 AIX, but it was not supported for OS/400,
5 which was the operating system we ran. So
6 you could turn it on, but it was not supposed
7 to be turned on for OS/400.

8 Q. It was not supposed to be turned on
9 for what?

10 A. OS/400, the operating system that we
11 were running. The hardware could run two
12 different operating systems.

13 Q. And the other one was AIX?

14 A. AIX, yes.

15 Q. And were any servers at GSK running
16 AIX?

17 A. There's an entirely different
18 platform that they're trying to move all the
19 AS/400s to. They've been trying to move to
20 it for 15 years. It's called the ERP system,
21 and I believe that runs AIX.

22 But I'm not, I'm not privy, other
23 than knowing it has serious problems, I'm not
24 privy as to whether they're running that

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1 feature or not.

2 Q. Doesn't uncapped processing allow the
3 server to use capacity from another server if
4 that capacity is available? You have to
5 answer for the court reporter, please.

6 A. Yes, it does. It allows you to use
7 CPU capacity.

8 Q. And so why do you say that it was
9 running this server at more than 100 percent
10 if the uncapped would allow CPU to be used
11 for a different server?

12 A. Because there's also memory and disc
13 arms that have to keep up with it. The
14 memory and disc arms could keep up with
15 100 percent. The memory and the disc arms
16 could not keep up with 800 percent. It would
17 just thrash. The memory would thrash. The
18 disc arms would thrash. Everything would
19 just -- it would just basically lock up and
20 seize up.

21 Q. If you added memory, would that
22 resolve the problem?

23 A. That's why it's not supported on
24 OS/400. Because on other platforms, my

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1 understanding is on other platforms you can
2 also give the system memory, not just CPU.
3 And that was the limitation of OS/400 that it
4 would give you more CPU but it would not give
5 you more memory.

6 Q. So there's no way to add more memory
7 to the OS/400?

8 A. You could add more memory, sure.

9 Q. So, if you added more memory to the
10 OS/400, would that resolve the problem you
11 just described caused by uncapping it?

12 A. Not necessarily.

13 Q. But could it?

14 A. You could try to remediate it. I
15 believe that's what Oberholzer did. I think
16 they spent -- after he turned this on,
17 instead of disabling it after the system
18 seized up, he went and lobbied for the
19 purchase of about three or \$400,000 worth of,
20 a good part of it was memory I believe to
21 kind of compensate. He could have just
22 turned it off, but instead, it turned into a
23 new purchase that was unnecessary.

24 Because the system was running okay

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1 before he did it. All he had to do once the
2 system seized up was to turn it off. But he
3 chose to instead lobby the company to spend
4 three or \$400,000 on additional memory, and
5 that did not fix the problem either.

6 Q. So -- now, Mr. Oberholzer was a level
7 below you, correct?

8 THE COURT REPORTER: Yes?

9 THE WITNESS: Yes.

10 BY MS. GRAUMLICH:

11 Q. So did he have the authority to do
12 this on his own?

13 A. Gillies didn't stop him. I told
14 Gillies that it was a bad idea. I told
15 Oberholzer it was a bad idea. As the
16 technical lead who had performance tuned all
17 the systems and built the systems, my advice
18 should have been taken, but in the end,
19 Gillies allowed him to do it.

20 Q. Now, you testified that this change
21 on the Pharma server, the Enterprise 1
22 brought the system to its knees. What did
23 you mean by that?

24 A. We have users all around the world

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1 whose workstations just locked up. The
2 people who supported the application in
3 Philadelphia called us telling us they
4 couldn't do business; they couldn't take
5 orders; data was getting corrupted; there was
6 going to be delays in financial reports.

7 Q. What data was corrupted?

8 A. Orders were being lost. Orders were
9 being corrupted.

10 Q. Do you know that they were lost or
11 that the server simply wouldn't operate?

12 A. It was a combination of everything.
13 The orders that were placed either got
14 contaminated or the person who made the order
15 hit "enter", and then when the system came
16 back after it was down, they said it was no
17 longer there. I guess they had to re- --
18 they had to re-enter the order I guess.

19 But my understanding was that orders
20 were being lost. And these are orders from
21 like Walmarts where it's not just like a \$30
22 order. It's like they could spend tens of
23 millions of dollars in a day. It was big
24 numbers, and they couldn't do business.

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1 Q. How long was the server locked up?

2 A. It continued to happen for weeks
3 until they got this emergency hardware
4 upgrade. The first instance I don't know
5 exactly how long it locked up, but I was
6 getting calls from senior people in
7 Philadelphia telling me that they had a
8 serious problem. And I was trying to work
9 through remediating their problem. I knew
10 what caused it, and I was trying to work
11 through fixing it.

12 But the exact amount of time that it
13 locked up, I don't know. But I know that it
14 continued to run in a compromised state for a
15 while until they went and purchased new
16 hardware when they could have just turned it
17 off. That was the key, they could have just
18 disabled what he had done, but that wasn't
19 going to happen.

20 Q. And --

21 A. But I was helpless to do anything
22 about it.

23 Q. When the company purchased emergency
24 hardware, as you described it, did that fix

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1 the problem?

2 A. No.

3 Q. What happened after that?

4 A. The problem just wasn't as bad, but
5 it never fixed it.

6 Q. Now, you testified that your
7 relationship was not the same with Brian
8 Gillies after this. What happened between
9 you and Mr. Gillies?

10 A. He was on vacation when this got
11 enabled, uncapped processors. And when the
12 phone started ringing and people started
13 panicking and they told me the level of the
14 issues that they were having, I walked over
15 to Rick Oberholzer's desk, and he started
16 screaming at me.

17 I tried to explain to him that I knew
18 what the problem was and we needed to turn it
19 off, and he just went off on me in an open
20 office area and just started screaming at me.
21 And he had a hist- --

22 Q. Who else was there?

23 A. Dan Mong was there. Robert Mattie
24 was there. It was an open office. Everybody

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1 Q. And were you able to get anybody to
2 work with you?

3 A. No.

4 Q. Why not?

5 A. Oberholzer was not going to work with
6 me because he was apoplectic. He was hostile
7 and angry, and --

8 Q. Why was Rick Oberholzer hostile
9 towards you?

10 A. Rick Oberholzer was hostile towards
11 everybody at the data center for over a
12 decade. That just was his personality. He
13 was extremely, extremely hostile.

14 Q. So how did this affect your
15 relationship with Brian Gillies?

16 A. I was trying to work the problem
17 because of what was at stake with the North
18 America Financial server. I mean, besides
19 the financials, the order management was a
20 mess. When Brian Gillies came back from
21 vacation, he called me into a back office and
22 told me that Robert Mattie had called his
23 boss in the UK the previous week saying that
24 I had started an incident with Rick

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1 Oberholzer.

2 Gillies was afraid of Mattie. Mattie
3 never told me he called the director. Mattie
4 should have known I was left in charge.

5 Mattie knew that Oberholzer was hostile and
6 unreasonable but he just secretly called my
7 manager's boss in the UK, and a week went by
8 before I found out.

9 Q. So how did that affect you?

10 A. Gillies was not happy that Mattie had
11 called his boss, and he told me my career was
12 effectively over.

13 Q. And when Brian Gillies was taken out
14 of that manager role, was that the reason why
15 you didn't get the job?

16 A. Yes. My career was irreparably
17 damaged after -- after Mattie escalated on
18 me, my career was irreparably damaged, yes.

19 Q. So you knew at the end of 2011, after
20 Robert Mattie called Brian Gillies' boss in
21 the UK, that your career at GSK was
22 irreparably damaged?

23 A. That's what he told me.

24 Q. Do you have any reason not to believe

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1 him?

2 A. The only reason that I had to not
3 believe it was I believed that I had such a
4 productive career there over so many years
5 that it would take more than one person,
6 especially Gillies, to tell me that my career
7 was over. I had achieved a lot globally
8 within the company.

9 So, when Gillies said it, I believed
10 that that's what he thought in his head, but
11 -- and he was -- it was very personal for him
12 because his boss had got called while he was
13 on vacation. I think he was taking it
14 personally. That was his words. I didn't
15 necessarily believe that that was the case.
16 Because you don't get judged, especially when
17 it's not your fault. I mean everybody knew
18 that Oberholzer was hostile. He cursed
19 people out for over a decade, including
20 Mattie. And it was a shock even to
21 Oberholzer that Mattie escalated.

22 But to answer your question, no, I
23 thought that the body of my work over a
24 decade and what I had done for the company

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1 was bigger than Brian Gillies' feelings being
2 hurt and telling me that my career was
3 damaged.

4 Q. When Brian Gillies went to Document
5 Management, were you named as the manager?

6 A. No.

7 Q. So you were not promoted at that
8 time, correct?

9 A. It all happened behind the scenes.
10 There was no advertisement for the job. We
11 got called into a meeting and were told this
12 announcement that they had swapped roles.

13 Q. And are management positions, were --
14 strike that.

15 Were management positions at GSK
16 changed without posting the job?

17 A. In this case, it was.

18 Q. Was there any requirement that a
19 management position had to be posted to be
20 filled?

21 A. I don't know.

22 Q. You don't know?

23 A. Usually, if somebody left a position,
24 people applied for it.

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1 A. I had it in my 401(k). And I would
2 get stock grants each year when I was at GSK,
3 stock grants and stock options.

4 Q. And when did you sell or dispose of
5 your stock?

6 A. When I moved my 401(k) into an IRA
7 after I left GSK. And over the last three
8 years, I've been cashing it in just to make
9 up for lost salary, and now I have none. I
10 no longer have any GSK stock.

11 Q. Do you have any experience drafting
12 or reviewing financial statements?

13 A. No.

14 Q. Do you have any experience with
15 accounting documents, balance sheets,
16 financials?

17 A. No.

18 Q. Do you have any experience with
19 securities filings?

20 A. No.

21 Q. What is your lay understanding of
22 what constitutes a violation of
23 Sarbanes-Oxley?

24 A. Breakdown of internal controls.

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1 Q. Anything else?

2 A. When data gets corrupted, when
3 systems are not secured, when information is
4 withheld from auditors purposely, when
5 serious issues are not disclosed to the
6 public.

7 Q. What do you mean by "serious issues"?

8 A. GSK's computer fleet is not secure.
9 There's a breakdown of internal controls, and
10 the company never discloses it in their
11 filings.

12 Q. Have you ever reviewed the
13 Sarbanes-Oxley or SEC filings of other public
14 companies other than GSK?

15 A. The only other one I've ever looked
16 at is Novartis.

17 Q. And when did you look at Novartis'
18 public filings?

19 A. Maybe in the last two years ago,
20 maybe in the last year.

21 Q. Why?

22 A. Well, because GSK and Novartis did
23 some transactions where I believe they
24 swapped assets, and I know that GSK brought a

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1 corrupted. Under what circumstances do you
2 think it's a SOX violation if data is
3 corrupted?

4 A. If it's financial data --

5 Q. So --

6 A. -- and you can't get to it, it could
7 impact the financial report. The financial
8 transactions are lost.

9 Q. So is it a Sarbanes-Oxley if data --
10 strike that.

11 Do you believe it is a Sarbanes-Oxley
12 violation if data is, if financial data is
13 corrupted and then corrected?

14 A. I don't know. I never thought of
15 that.

16 Q. So is it your testimony that anytime
17 that something goes wrong with a computer and
18 any kind of data is corrupted that that would
19 be a Sarbanes-Oxley violation?

20 A. No.

21 Q. So is it only if financial data is
22 corrupted that you believe it's a
23 Sarbanes-Oxley violation?

24 A. Well, I think from what I understand

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1 from the 20-F and the disclosures you have to
2 disclose deficiencies in your internal
3 controls not just from financial systems but
4 manufacturing systems. If your manufacturing
5 systems are unstable, it could impact your
6 profitability.

7 So it's not just financial reporting.
8 I believe that you're supposed to disclose
9 deficiencies just because it could have an
10 affect on your overall operation, my
11 understanding.

12 Q. The things that you have listed thus
13 far in your deposition as a SOX violation,
14 breakdown of internal controls, when data
15 gets corrupted, and you said something about
16 systems. I missed that. Do you remember
17 what that was?

18 A. No.

19 MS. GRAUMLICH: Would you mind
20 looking back real quick?

21 BY MS. GRAUMLICH:

22 Q. Sometimes are not secure. Is that
23 one of the things you think is a
24 Sarbanes-Oxley violation when a system is not

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1 secure?

2 A. When a system is not secure, it's not
3 necessarily a Sarbanes violation if you make
4 a good effort to fix it. When you withhold
5 the information from people, I believe that
6 that's a Sarbanes-Oxley when you withhold it
7 from your internal auditor, when you withhold
8 it from the business, when you withhold it
9 from Quality Risk Assurance.

10 Yes, I mean things happen. There's
11 always something in place to fix something
12 that's broken, but if the problem is caused
13 by a deficiency in an IT control, that's a
14 Sarb-Ox issue. But I'm not sure if I
15 answered your question.

16 Q. Do internal controls break down?

17 A. Yes.

18 Q. Deficiencies and internal controls
19 happen, right?

20 A. Do internal controls break down?
21 Sure, yes.

22 Q. And if a company fixes the deficiency
23 and the internal controls, do you believe
24 that's still a Sarbanes-Oxley violation?

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1 Q. Is there anything that you believe
2 GSK did that constituted securities fraud?

3 A. I would say not disclosing serious
4 breakdowns in internal controls in their
5 Form 20-F.

6 Q. And what is your understanding of
7 what a public company is required to report
8 about its internal controls on a 20-F?

9 A. They're supposed to vouch for the
10 effectiveness of their internal controls.

11 Q. Now, how do you -- strike that.

12 How did you gain your understanding
13 that a company is supposed to vouch for their
14 internal controls on their Form 20-F?

15 A. I can't recall why I know that, when
16 I knew that. It's just something that I
17 know. I don't --

18 Q. And do you know that for a fact or
19 that's simply your belief or understanding?

20 A. That's my understanding.

21 Q. Is there anything else that you
22 believe GSK did that constituted securities
23 fraud?

24 A. Well, I think the lengths they went

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1 to retaliate against me and withhold the
2 information and then try to marginalize and
3 damage control, I think the effort that they
4 made to keep it secret.

5 Q. Why do you believe that efforts to
6 retaliate against you constitute securities
7 fraud?

8 THE COURT REPORTER: I'm sorry.

9 I didn't understand one of the words.

10 BY MS. GRAUMLICH:

11 Q. Why do you believe that efforts to
12 retaliate against you constitute securities
13 fraud?

14 A. Because they were purposely
15 withholding relevant information.

16 Q. What relevant information do you
17 believe that GSK purposely withheld?

18 A. That there was a breakdown in IT
19 internal controls; that their global
20 manufacturing and financial, global financial
21 server fleets were unstable.

22 Q. When do you believe that there was a
23 breakdown in internal controls at GSK?

24 A. When do I believe there was a

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1 They had people with too much authority,
2 contractors giving each other authorities.
3 There was just a total breakdown of access
4 management control.

5 Q. What year was this?

6 A. I'd say 2011 through when I left.

7 Q. When -- strike that.

8 You described a financial analyst who
9 had too much authority. What happened as a
10 result of that?

11 A. There was a big meeting with a lot of
12 people where it was discussed how important
13 that was. The financial people and the
14 manufacturing people were two different
15 groups, but they shared the same server. So,
16 if something bad, if one group caused
17 something bad to happen, it would affect the
18 other. It caused the factory to go down.

19 They brought me in to find root cause
20 to find out what had happened, and I
21 identified that this user had been configured
22 with too much authority. And I --

23 Q. Okay. And was that fixed?

24 A. No.

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1 Q. His authority was not changed?

2 A. His authority was never changed, no.

3 Q. What was his name?

4 A. I don't know.

5 Q. What year was this?

6 A. That was 2013.

7 Q. And you don't know his name?

8 A. I don't have it memorized. I could
9 probably find it out. But I mean, as a
10 result of that, I did an audit of the entire
11 fleet where I found dozens if not hundreds of
12 users across the fleet that had too much
13 authority and I raised that to GSK IT, and
14 they raised a Level 1 audit risk in their
15 risk management system. And they put me in
16 charge of global remediation of that problem.

17 Q. And did you fix it?

18 A. I was not able to fix it.

19 Q. Why not if you were in charge?

20 A. Because I had no support from
21 Jo Taylor. She was retaliating against me,
22 and she gave me no support to do that job.

23 Q. What support did you need that
24 Jo Taylor didn't give you?

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1 Q. And where does a Level 1 risk fall on
2 that scale?

3 A. A Level 1 is the highest. So, if you
4 took a Level 1 which is high but it was not
5 likely to be -- if the risk was Level 1 but
6 it was not likely that it would be, I don't
7 know what the word is, that it would happen,
8 it would be scored lower. But if it's a
9 Level 1 and there's a high likelihood it
10 would happen, you do the math, and it just
11 produces a bigger number as far as the
12 overall risk.

13 And that's how they score the risks,
14 and that's how they determine what needs to
15 be -- I guess that's how they determine in
16 what order to address and remediate risk.

17 MS. GRAUMLICH: Why don't we
18 stop for lunch here?

19 THE VIDEOGRAPHER: The time is
20 12:28. Off the video record.

21 - - -

22 (A recess occurred.)

23 - - -

24 THE VIDEOGRAPHER: The time is

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1 alleges that in May of 2013 a project to
2 pursue outsourcing of the service was
3 initiated by Taylor, her manager Jeffrey, and
4 Miller. And I assume that means Steve
5 Jeffrey and Steve Miller. Is that right?

6 A. Yes.

7 Q. How do you know who initiated a
8 project to outsource the service?

9 A. Discussions around the office.

10 Q. Discussions with whom?

11 A. Dan Mong sat right next to me. He
12 sat literally like we're sitting right here.

13 Q. Okay. But he was a level below you.
14 So I'm asking how do you know that the idea
15 of outsourcing the service came from Taylor
16 and Steve Jeffrey and Steve Miller as opposed
17 to someone even higher up in GSK?

18 A. My understanding from talking to
19 people around the office was that it was an
20 idea that Taylor came up with which she sold
21 to Jeffrey and Miller.

22 Q. Did you ever ask Taylor if it was her
23 idea?

24 A. No.

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1 everybody knew, but we all knew that it was
2 Taylor. Can I tell you a date or a
3 conversation? No, I can't.

4 Q. Now, you allege that, and this is
5 Paragraph 27, "Taylor excluded Reilly from
6 the outsourcing Request for Proposal
7 Technical/Business/Financial case
8 development, vendor bidding review, and
9 vendor due diligence". What do you mean by
10 that?

11 A. When they were putting out Requests
12 for Proposals for the different outsourcing,
13 I was not involved in a single meeting over
14 the course of nine or ten months. I was the
15 system technical subject matter expert of
16 everything. I had built the entire fleet.
17 And I was not included in a single
18 conversation, a single meeting.

19 Q. Do you know who was involved in the
20 meetings?

21 A. Yes. Dan Mong sat right next to me,
22 and he was involved in it for nine months.

23 Q. Who else?

24 A. All I know is Dan Mong and Jo Taylor.

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1 I don't believe even Oberholzer was involved
2 in it. I think it was just Dan Mong and
3 Taylor, who were the two least technical
4 people who were the least qualified to make
5 an outsourcing decision, but I certainly
6 wasn't involved in it.

7 Q. Do you know how Dan Mong became
8 involved?

9 A. Yes.

10 Q. How?

11 A. Steve Miller had a town hall meeting
12 in the cafeteria about outsourcing, and Dan
13 Mong was very angry and very, very outspoken.
14 It stood out because he was talking very
15 loudly in front of everybody saying how it's
16 a terrible idea, it's not going to save
17 money, this and that, how we're efficient,
18 how -- and after that meeting, Steve Miller
19 came up to his desk, and I was sitting right
20 there, and Steve Miller kind of came over and
21 talked to him and said, "How would you like
22 to get involved". Dan shared that with me.

23 And after that, after Dan realized
24 that the vice president was approaching him

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1 and wooing him to be a part of it -- and they
2 actually created a job. They decided instead
3 of outsourcing everybody but Taylor they were
4 going to keep one person. Once Miller came
5 up and recruited him, indoctrinated him,
6 created a position that would be retained and
7 everybody knew he would get it, gave him some
8 other lucrative jobs of being like the
9 liaison to the leadership team, he was way on
10 board. Dan went from being vocally
11 outspoken, and I mean that, outspoken at a
12 town hall meeting to being completely on
13 board.

14 And Dan told me right after Miller
15 walked away from his office. I heard the
16 conversation. And Dan said, "Hey, Steve
17 Miller the vice president, biggest guy in the
18 building just came up to me", and I think he
19 was on board. Dan knew it was a bad idea,
20 but he saw a chance to save himself.

21 Q. Did you express your feelings about
22 outsourcing during that town hall?

23 A. No, I didn't.

24 Q. Did you have an opinion?

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1 one meeting. I was not allowed to
2 see the Request for Proposal. Never
3 saw anything. I never spoke to
4 anybody at Blue Chip over the course
5 of a year and-a-half.

6 BY MS. GRAUMLICH:

7 Q. Why do you think they didn't involve
8 you?

9 A. Jo Taylor didn't want me involved.

10 Q. Why not?

11 A. Because I might tell them that their
12 performance is bad, that the security is a
13 disaster. She wanted to get rid of me.

14 Q. And if you had told them that the
15 performance was bad and security was a
16 disaster, do you believe that no one would
17 have bid on the outsourcing?

18 A. I think it would have been more
19 expensive than it would have been at least
20 known. I have the feeling that nobody at
21 Blue Chip knew what they were getting. I saw
22 --

23 Q. So do you think Jo didn't involve you
24 because she didn't want --

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1 A. Yes, she did.

2 Q. -- anyone who would disrupt the plan
3 to outsource?

4 A. Yes.

5 Q. And the plan was to outsource the
6 entire service that you were the technical
7 lead on, that Rick Oberholzer worked on, that
8 Mike Bacon and Steve Farnden worked on,
9 right? So the four of you would definitely
10 all lose your jobs, correct, or your jobs
11 would be eliminated?

12 A. In a normal situation, when people
13 outsource, they keep their technical subject
14 expertise or at least the most competent. If
15 it had been a normal situation and they had
16 made a legitimate case for outsourcing, I
17 would have been the one to have been retained
18 to oversee the service. Jo Taylor was
19 retained, and she has never signed onto an
20 AS/400. She came from Document Management
21 where she wasn't even really in IT.

22 In a normal situation, the subject
23 matter expert would be consulted, involved
24 and probably retained to manage the service

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1 Q. Well, you just testified that people
2 were reporting issues to you that you didn't
3 specify. Do you know whether those issues
4 were resolved? Do you know whether there's
5 still issues with the AS/400?

6 A. When I brought it to their attention,
7 I was put on immediate administrative leave.
8 I tried to bring it to their attention. I
9 went -- the day that I returned nobody
10 reported it to me. I looked in the database
11 to see that Blue Chip was -- the users were
12 complaining about performance, and Blue Chip
13 was just opening and closing the tickets. A
14 plant in Egypt was down. There was all kinds
15 of stuff going on, and when I reported it, I
16 was put on administrative leave immediately
17 and separated from everything. So nobody
18 reported anything to me. I was aware of it.
19 And when I reported it, they didn't deny it,
20 but I was immediately marginalized and
21 removed from the situation. So, after that,
22 I don't know what happened.

23 But the last time I looked Blue Chip
24 had only had the system for three or four

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1 conclusion. That was a fact.

2 Q. And after the outsourcing, in
3 addition to your position being eliminated,
4 was Rick Oberholzer's position eliminated and
5 he terminated?

6 A. Rick Oberholzer, Mike Bacon and Steve
7 Farnden were allowed to apply for the open
8 position even though it was a foregone
9 conclusion that Mong would get it. Everybody
10 knew it. I talked to them about it.
11 Everybody knew it. But they were allowed to
12 apply for it. I was not allowed to apply for
13 the open position.

14 Q. Why do you say you were not allowed
15 to apply for the position?

16 A. Because I was told that with my grade
17 the retained position was going to be a very,
18 very low-level position and that I was too
19 high of a grade to apply for the position.

20 Q. Who told you that?

21 A. Jo Taylor.

22 Q. Was Jo Taylor in the position at that
23 time or was Henry Bolton?

24 A. Jo Taylor was in place until the end

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1 of March, and then Bolton came on in the
2 beginning of April about around that time.

3 Q. And aft- --

4 A. He came in second quarter of 2014.

5 Q. After Henry Bolton came in to serve
6 as manager while Jo Taylor was on adoption
7 leave, did Henry Bolton allow you to apply
8 for the position that was remaining that you
9 said Mong was going to get?

10 A. Yes. A window suddenly opened where
11 they sprung on me that I was allowed to apply
12 for this position, and I had to agree that if
13 I wasn't selected for the position I was
14 agreeing that I would be let go.

15 So the caveat was, here, you have a
16 one-week window to apply for something that
17 you haven't been involved in for the last ten
18 months, but the caveat is if you apply for it
19 and you don't get it you're agreeing to be
20 let go.

21 Q. But was that also true for Mike
22 Bacon, Steve Farnden and Rick Oberholzer?

23 A. That was true for them.

24 Q. And did anyone ever tell you that if

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1 you didn't apply your position would remain?

2 A. By this time, I had already escalated
3 to Global Compliance three months earlier,
4 and it was an entirely different thread
5 happening.

6 Q. My question was: Did anyone at GSK
7 ever tell you that if you didn't apply for
8 the position that Dan Mong was eventually
9 selected for that your position would still
10 remain at GSK despite the outsourcing?

11 A. Yes.

12 Q. Who told you that?

13 A. Michael Woods from Global Compliance
14 told me that based on the information I
15 escalated to him I would be safeguarded. So
16 I went with his word that he was looking at
17 my very credible allegations and that he was
18 going to protect me. And I was under the
19 assumption, especially with his visceral
20 response to the information I presented to
21 him, that he was going to safeguard me and he
22 knew that this whole outsourcing was a farce
23 to cover up performance and security
24 problems.

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1 So I was going on the word of Michael
2 Woods who had instructed me that based on
3 what I showed him I could not be wrongfully
4 terminated for making serious allegations and
5 he was going to protect me. So, in my mind,
6 I was not going to be terminated.

7 Q. Did Michael Woods ever tell you that
8 you couldn't have your position eliminated as
9 a result of an outsourcing because you had
10 made complaints to the company?

11 A. Can you repeat the question?

12 Q. Did Michael Woods ever tell you that
13 GSK couldn't eliminate your position during
14 the outsourcing just because you had made
15 complaints to the company?

16 A. No. Michael Woods told me that he
17 took my allegations seriously, and he covered
18 the safeguarding and told me that I could not
19 be wrongfully terminated. And --

20 Q. What do you mean he --

21 A. -- I had let him know that --

22 Q. Excuse me one second. What do you
23 mean he covered the safeguarding?

24 A. He talked about how --

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1 Q. By that, do you mean
2 anti-retaliation?

3 A. Safeguarding in general. The
4 retaliation never stopped. I dealt with
5 hostility until the day I walked out the
6 door.

7 The -- I had let him know three
8 months earlier when I escalated to Global
9 Compliance that this whole sham was going on
10 in attempt to eliminate me. And he told --
11 he understood what I was saying, and he said
12 I could not be terminated if my allegations
13 were true and I would be safeguarded.

14 Q. When did Michael Woods tell you that?

15 A. When I met with him in Upper Merion.

16 Q. Okay. And when was that?

17 A. It was January or February of 2014.

18 Q. And the outsourcing was announced in
19 March of 2014, three months later, correct?

20 A. Yes.

21 Q. When Michael Woods met with you in
22 January of 2014, did he indicate to you that
23 he was aware that your team might be
24 outsourced?

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1 system was not involved in a single
2 meeting, and it was apparent that
3 they were -- he bought into the fact
4 that the outsourcing was part of the
5 overall, and he ensured me that I
6 could not be eliminated if my
7 allegations were true.

8 He said it was getting
9 attention at the highest levels of
10 the company, including Andrew. He
11 told me that this could impact share
12 value if it were found out that we
13 were withholding information from
14 PwC. My elimination was talked but
15 it wasn't talked about granular.
16 Because everything else I presented
17 to him was so big that I just think
18 he had to absorb what I was showing
19 him, and he knew the ramifications
20 because he came from Global Internal
21 Audit. And he was my contact ten
22 years earlier when we rolled out
23 Sarb-Ox. He knew exactly what was
24 going on.

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1 A. No. The primary concern was to relay
2 extremely serious problems with the global
3 manufacturing and enterprise financial
4 systems that were impacting GSK around the
5 world. That was the primary focus of the
6 conversation. It wasn't the --

7 Q. So the primary focus --

8 A. -- details of outsourcing. It was --

9 Q. You were not interested in trying to
10 save your job. Is that what you're saying?

11 A. I would never say that. My whole, my
12 whole purpose of doing this was to save the
13 service from having another CiDRA. Because I
14 had been through CiDRA. I was a loyal
15 employee. I took pride in the system that I
16 had built. I was watching it being ruined.

17 I was trained on corporate integrity
18 agreement, business ethics, corporate
19 conduct, Sarb-Ox. I was trained on
20 everything. I was a company guy. I was
21 trying to protect the company. I wasn't
22 trying to just protect myself. I wanted to
23 save my job, of course, but I did everything
24 that I was trained to do by escalating this.

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1 A. I was working under the assumption
2 that I was going to be protected by Michael
3 Woods, so I didn't put a whole lot of thought
4 into this. I was living in parallel
5 realities. One was Michael Woods was telling
6 me I was protected and he was doing an
7 investigation, and the other was GSK IT
8 telling me that I was going to be eliminated.

9 So I was actually in parallel worlds,
10 and I could not push back with GSK IT to say,
11 "Hey, I'm not going to apply for this because
12 I'm going to wait for the Michael Woods
13 investigation". I just had to keep my mouth
14 shut and just hope that Michael Woods was
15 going to come through with his investigation.

16 So I was in a difficult, I was put in
17 a difficult position by being told one thing
18 by Michael Woods and being told something
19 else by GSK IT. And --

20 Q. Putting aside your complaint to
21 Michael Woods, would you have been willing to
22 take a downgrade to stay employed at GSK?

23 A. I wanted to retain my current
24 position to save the service.

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1 handed you what's been marked as Exhibit-7 to
2 your deposition. Do you recognize that
3 document?

4 A. Yes.

5 Q. Did you create it?

6 A. Yes, I did.

7 Q. Under Wednesday, it says, Number 1,
8 "Attended meeting with Henry and Robert
9 Koroly to discuss early termination and
10 package". What was that meeting about?

11 A. I think it was to discuss early
12 termination and package.

13 Q. What does that mean?

14 A. It means to me that Henry and Robert
15 Koroly were not aware that Michael Woods was
16 doing an active investigation, and I was
17 awaiting the outcome. I could not decline
18 that meeting and say, "Hey, Henry and Robert,
19 I'm not going to attend this meeting because
20 Michael Woods from Global Compliance is doing
21 an investigation. I'm waiting the outcome.
22 He said he'd protect me". I committed to
23 Michael Woods that I would not discuss it
24 with anybody internally or externally, so I

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1 A. Yes.

2 Q. And when did you go out on disability
3 leave?

4 A. July 2014.

5 Q. Do you remember the last day that you
6 worked?

7 A. Do I remember the last day? I don't
8 know if I knew it was my last day, so I don't
9 --

10 Q. No, the last day you worked before
11 going on disability leave. I'm sorry I
12 wasn't precise.

13 A. I don't know. I don't remember that
14 day, no.

15 MS. GRAUMLICH: And I'm going
16 to ask the court reporter to mark as
17 Reilly-8 a copy of his Disability
18 Claim Form to be subject to our
19 protective order. I might have given
20 you one too many.

21 MS. JENKINS: Sorry.

22 MS. GRAUMLICH: Reilly-8?

23 THE COURT REPORTER: Yes.

24 - - -

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1 worked?

2 A. I mean it was right around that time.

3 I don't know the exact day.

4 Q. On or about July?

5 A. On or about July 1st.

6 Q. And after going on disability leave
7 in early July 2014, did you ever return to
8 the workplace?

9 A. No. I returned to work with an
10 agreement to work from home until April 2015.

11 Q. And when did you return -- strike
12 that.

13 When did you start working from home?

14 A. The first business day of 2015,
15 whatever that was.

16 Q. And beginning January of 2015, did
17 you have any face-to-face contact with Steve
18 Oberholzer (sic) or Dan Mong --

19 A. No.

20 Q. -- or any of the members of your
21 team?

22 A. No.

23 Q. Did you have any phone calls with any
24 of the members of your team?

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1 I believe was the one that you said.

2 October.

3 Q. I'm sorry?

4 A. I think the final date that you said
5 was the date, yes.

6 Q. Last day of October 29, 2014.

7 A. Sounds right.

8 Q. Now, did Michael Woods ever
9 substantiate the complaints that you made to
10 him?

11 A. I never spoke to Michael Woods again.

12 Q. You never spoke to him again?

13 A. No. He --

14 Q. Did you have any e-mails with him?

15 A. Actually, that's not true. I spoke
16 with him in October from home.

17 Q. And what did he tell you when you
18 spoke with him in October?

19 A. He told me that he was going to try
20 to get in touch with me in August but didn't
21 realize I was on short-term disability, which
22 was odd because I had told him on a number of
23 occasions that I was working in an extremely
24 hostile environment and I was wondering why

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1 he wasn't protecting me. But not only wasn't
2 he protecting me when he said he would, he
3 didn't even know I was out of the office.

4 Q. Why would you expect Michael Woods to
5 know whether you were in the office or not?

6 A. If you're telling somebody that
7 you're being harassed and you're working in a
8 hostile environment, you'd think that they'd
9 know if you're in the office or they at least
10 know your situation. I would think.

11 Q. Why would you think that?

12 A. He was safeguarding me. I was
13 reporting a hostile environment. Maybe he
14 would check in with me to see, "Hey, how is
15 that hostile environment". It just seemed
16 odd to me that he didn't even know for months
17 that I was out of the office. It just seemed
18 odd to me. For somebody who was safeguarding
19 me and who was being told on a number of
20 occasions that the heat was being turned up,
21 it just seemed odd to me.

22 Q. What did you think safeguarding
23 meant?

24 A. Everything that GSK policy says.

THOMAS REILLY

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1 THE COURT REPORTER: Yes?

2 THE WITNESS: Yes.

3 BY MS. GRAUMLICH:

4 Q. When did you communicate with him?

5 A. I sent him a voluminous amount of
6 e-mails January through April or May.

7 Q. When you spoke with Michael Woods in
8 October of 2014, what did you tell him about
9 what -- strike that.

10 When you spoke with Michael Woods in
11 October of 2014, what did he tell you about
12 the results of his investigation?

13 A. He told me that his investigation
14 ended in April or May. He never told me
15 that.

16 Q. And what did he tell you if anything
17 about what he concluded?

18 A. He wouldn't tell me.

19 Q. He wouldn't tell you whether he
20 substantiated your complaints --

21 A. No.

22 Q. -- or not?

23 A. He wouldn't tell me. He said that
24 his investigation ended in April or May,

THOMAS REILLY

Page 209

1 which I didn't know. He never told me. He
2 told me he wrote up his report in June or
3 July, which he never told me. I asked him if
4 I could have a copy of the report. He said
5 no.

6 The thing that struck me as odd was
7 he said he, by phone, that he wrote up the
8 report in June/July, yet the report that he
9 attached to the Reed Smith response to OSHA
10 was dated 12 September. So he told me that
11 he wrote his report in June/July, yet it was
12 dated 12 September. I didn't understand
13 that. It sounded kind of fishy to me.

14 I just told him that I was just
15 surprised I didn't know any of that. He
16 never disclosed to me that he had made them
17 aware of the investigation, which explained
18 why the hostility got worse because he had
19 made Miller and Taylor aware. He never told
20 me that -- he never told me anything. He
21 never protected me. He never contacted me.
22 He just didn't -- he, in my -- in the
23 rearview mirror if I had to go back and look,
24 he was just leading me on to try and run out

THOMAS REILLY

Page 215

1 Q. Protect yourself how?

2 A. Could have contacted the SEC. Could
3 have contacted the FDA. Could have contacted
4 the DOJ. I could have contacted the Serious
5 Fraud Office. I don't know, I could have
6 done what he told me not to do and report it
7 to an outside agency. I could have reported
8 it to OSHA. He --

9 Q. Did Michael Woods tell you not to
10 contact the SEC?

11 A. He told me not to contact, not to
12 share this with anybody internally or
13 externally.

14 Q. And by that, did you understand that
15 you couldn't report to a government agency?

16 A. Yes, I took him literally.

17 Q. Did you understand that GSK policy
18 encourages employees to report wrongdoing to
19 government agencies, allows them to report
20 it?

21 A. I was going by what he told me.

22 Q. But you were familiar with GSK's
23 policies, right?

24 A. Now I am.

EXHIBIT 2

DANIEL MONG

Page 1

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

- - -

THOMAS REILLY, : NO. 17-2045

Plaintiff, :

vs. :

GLAXOSMITHKLINE, LLC, :

Defendant. :

- - -

Thursday, January 10, 2019

- - -

DISCOVERY DEPOSITION of DANIEL MONG, taken at
Reed Smith, LLP, Three Logan Square, 1717 Arch
Street, Suite 3100, Conference Room L,
Philadelphia, Pennsylvania, commencing at 9:35
a.m., before Gina E. Scheetz, Registered Merit
Reporter, Certified Realtime Reporter, a New Jersey
Certified Court Reporter, a Delaware Certified
Court Reporter, Certified LiveNote Reporter,
Licensed CaseViewNet Realtime Provider, an iCVNet
Certified Reporter and Notary Public.

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DANIEL MONG

Page 2

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13 Representing the Defendant

14 - - -

15 ALSO PRESENT:

16 ELIZABETH FEENEY,

GlaxoSmithKline, LLC

17

THOMAS REILLY

18

- - -

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23

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DANIEL MONG

Page 3

1 I N D E X

2 WITNESS PAGE

3 DANIEL MONG

4 By Mr. Pollins 5

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6 E X H I B I T S

7 - - -

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DANIEL MONG

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Direction to Witness Not to Answer

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Request for Production of Documents

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Page Line Page Line Page Line

10

None

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12

Stipulations

13

Page Line Page Line Page Line

14

None

15

16

Question Marked

17

Page Line Page Line Page Line

18

None

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20

21

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24

DANIEL MONG

Page 5

1 - - -

2 DANIEL MONG, having been duly
3 sworn, was examined as follows:

4 - - -

5 MADAM REPORTER: And the
6 witness will read and sign; correct?

7 MS. GRAUMLICH: Yes.

8 BY MR. POLLINS:

9 Q Please state your full name.

10 A Daniel Mong.

11 Q What's your address, Mr. Mong?

12 A 1515 Ivywood Way in Lansdale,
13 PA.

14 Q 19 -- the ZIP there?

15 A 19446, yes.

16 Q We're here today for a
17 deposition.

18 Have you ever had a deposition
19 taken before?

20 A No.

21 Q If I ask you a question and
22 you don't hear my question, please let me
23 know and I'll repeat the question. Will you
24 agree to do that?

DANIEL MONG

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1 friends with him?

2 A No.

3 Q Okay. Do you recall the time
4 that you were the iSeries service analyst,
5 did you have to travel at all for your job?

6 A I went to conferences in
7 Rochester, Minnesota, where the IBM
8 headquarters are.

9 Q Anywhere else?

10 A I did -- yeah. I traveled to
11 Cidra, Puerto Rico, for business once, and I
12 think that was it. That was the only time I
13 traveled.

14 Q And you said your job was
15 service-oriented; right?

16 A Yes.

17 Q And Mr. Oberholzer's was
18 hardware. What was Tom's focus?

19 A Tom primarily, he helped with
20 the design of the server environment. In
21 order to make it a common platform, he
22 developed what was called a standard build,
23 so Tom did a lot of programming effort to
24 design a standard build that could be

DANIEL MONG

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1 implemented on each of these servers, which
2 it did greatly, you know, simplify the
3 overall management, so that -- that was
4 Tom's role.

5 Q The AS/400 servers?

6 A Yes.

7 Q Which were the computers that
8 were being used worldwide at Glaxo?

9 A Yes.

10 Q Are they still the same
11 computers?

12 A They are, yes.

13 Q What's ERP?

14 A It stands for Enterprise
15 Resource Planning.

16 Q How does that relate to the
17 computer system at Glaxo?

18 A Well, the ERP would be --
19 like, the JD Edwards Financial Service --
20 well, we just referred to it as JD Edwards
21 and the manufacturing software's called
22 BPCS, the acronym BPCS.

23 You know, ERP, that
24 terminology is really more closely aligned

DANIEL MONG

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1 background, but an understanding of this
2 framework that's called ITIL. It stands for
3 Information Technology Infrastructure
4 Library.

5 Q I-T-I-L?

6 A I-T-I-L, yes. And that's a --
7 like a globally -- or global, you know --
8 it's called a framework for how to manage an
9 i -- not an iSeries -- any computer service,
10 so it takes all various things into
11 consideration; incidents, problems, changes,
12 you know, customer feedback and, you know,
13 continuous improvement. It's like a whole
14 thing. So she was very adept in that.

15 Q How did that qualify her to
16 become the AS/400 manager?

17 A I don't know. That decision
18 wasn't mine, and I don't even remember who
19 the director was at that time that either Jo
20 or Brian reported to to make that decision.
21 I just know that they swapped roles.

22 Q Are you aware of anyone in the
23 department saying they felt Jo Taylor was
24 not qualified to become the manager of

DANIEL MONG

Page 108

1 AS/400?

2 A Yes.

3 Q You were looking at Tom. So
4 is Tom one of those people?

5 A Yes.

6 Q Did anyone else say that?

7 A I think we all questioned it,
8 honestly.

9 Q Why did you question it?

10 A Uhm, just because. Uhm, yeah,
11 I didn't know much about her. That was it.
12 It was because I didn't have any facts.

13 Q Why was Tom questioning it?

14 A He was -- I mean, I would be
15 speculating, but, you know --

16 MS. GRAUMLICH: I instruct you
17 not to speculate.

18 THE WITNESS: Yeah, um-hmm.

19 BY MR. POLLINS:

20 Q So when I asked you why did
21 Tom question it, I really -- maybe it's a
22 poor question.

23 But did you talk about it with
24 Tom? Did Tom say, here's why I think Jo

DANIEL MONG

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1 umbrella. You know, there was a lot of
2 people that were slated to go at that time.

3 Q Are there any other people
4 that when I asked you or you mentioned that
5 people have lost respect for -- it sounds
6 like you're telling me people that had lost
7 respect for the team, not necessarily Tom;
8 is that correct?

9 A Yeah. It was a dysfunctional
10 team, so, you know . . .

11 Q Is there anyone else that you
12 haven't told us about yet?

13 A No. I don't recall any other
14 names right now.

15 Q Whose idea was it to outsource
16 the iSeries department?

17 A I don't know if it was Jo's
18 idea, but it was sort of that's who I
19 learned, you know, the idea from first. She
20 mentioned it in a meeting saying that if we
21 are unable to get along and work together
22 that she would have to look at an
23 outsourcing option, and that was at a
24 meeting we had with HR because I call it the

DANIEL MONG

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1 Kendall meeting.

2 The woman's name was Kendall.

3 She came in sort of to referee this -- this
4 meeting and -- yeah, so that was sort of
5 the -- the conclusion of that. You know, we
6 need to start working together as a team.

7 Q This was obviously before Jo
8 took her adoption leave; right?

9 A Yeah, um-hmm. Yes.

10 Q So what year was that?

11 A I'd say 2012.

12 Q Kendall was an HR person?

13 A She was an HR rep, yeah.

14 Q Who was in the meeting besides
15 you, Kendall, Jo -- who else?

16 A And Tom, Rick and Judd.

17 Q So Jo said if we can't get
18 along we're gonna have to outsource?

19 A That was a comment she made
20 towards the end of the meeting, yes. She
21 didn't said we have to outsource. She would
22 have to consider outsourcing. So that's the
23 first time I learned of sort of a tangible,
24 like, action.

EXHIBIT 3

Michael S Woods /CORP

04-Nov-2005 18:19

Global Internal Audit US, RTP, Sth E1450F 703-2264 / +1
919 483 2264

To Tom Reilly/IT/GSK@GSK, Dan M Mong/IT/GSK@GSK,

cc Brian M Gillies/CORP/GSK@GSK

bcc

Subject Access Management Audit - AS400 Systems Review

Tom, Dan,

As background for the interviews the week of November 7th, I've outlined the areas GIA is covering and work I need to accomplish that relate to AS400 in this email. To date, I've covered off this work on the Windows areas and my expectation based on that is that we should be able to complete this in the time scheduled for Monday and Tuesday. Thank you for being available for the meetings scheduled on Monday and Tuesday:

Tom - Monday - 9 to 9:45, Tuesday - 10 to 11

Dan - Monday 10 to 12, Tuesday - 3:30 to 4:30

GIA's review is around the access controls portion of the access management processes is in part a Sarbanes readiness review. GIA is performing this work for John Borror and Thierry Ackermann. There will be no formal audit report with audit opinion, but rather there will be a memo with findings and we will track these as with report audit findings. The attached Engagement Memo which covers other details of the audit as well:



Engagement Memo -Access Management.doc .

We are working primarily with IMS under Lynn Lloyd, however included in the work will be some review of configurations of systems with Sarbanes applications running on them and a couple of non-Sarbanes systems to include an understanding of overall processes and controls. The systems selected for review are:

Sarbanes:

JD Edwards (JDE)

International (BPCS,SAP,JDE)

JD Edwards (JDE)

USSBCH01

KOPSA1P1

USSBPH05

Non-Sarbanes:

JD Edwards (JDE)

KOPSJ1P1

Key risk areas GIA is reviewing:

- Policy and Process Alignment - Implemented process does not align to policy, resulting in gaps in assurance testing for policy compliance.

AS400 specific policies and procedures that cover monitoring that I have reviewed include:

ITI_SOP_2341 AS400 Reporting and Monitoring Version 4.0

ITI_STD_2019 AS400 Security Standard Version 2.0

GSR-7

ITI_LIN_4606 Report and Monitoring for AS400

- Authentication and Authorization Process - Insecure authentication or authorization processes controls allow unauthorized access to data

I will review implementation of the Access Management - Management Practice and Password Standards settings, understand overall how the standards and practice are complied with, and for the servers in the sample listed above verify:

Access Management MP sections:

3.1.6 – Strategic Auth mechanism

3.4.1 – Systems Administration over Secure Channel

3.5.1 – Disable after 9 invalid attempts

3.5.5 – Must comply with password standards

Password Standards sections:

(general)

9.1.1 – Min 7 char

9.1.2 – one alpha and one non alpha

9.2.1 – stored secure format

9.2.3 – secure transmission

- Monitoring - Failure to monitor user access can allow inappropriate user access or misuse of privileges to go undetected and corrected

While we will primary addressing this with IMS [A04.05.10 ITI_SOP_2341 AS400 Reporting and Monitoring Version 4.0 and ITI_LIN_4606 Report and Monitoring for AS400], I need to understand any other monitoring that is implemented that might monitor and detect unauthorized access attempts or unauthorized system security changes.

- Access to Servers - Inappropriate access to server resources is allowed

Review access control settings on data areas on sample servers are limited to authorized users only. Broadly, understand the overall access management to data areas, who is responsible for granting access, what the process is, and how it is governed. For the sample servers, review access control settings for the files/data objects secured on the systems to assure that controls are in place and reasonably applied.

- Privileged User Accounts - Inappropriate or unauthorized access privileges assigned to users

Identify all privileged accounts and account owners. Determine process for assuring regular accounts are not granted privileged access. For a sample of accounts follow-up to verify approvals and training records.

My apologies for not sending this background on Thursday as I indicated I would; due to staff availability I had to address other matters Thursday and was not able to attend to this. I look forward to speaking with you the week of the 7th.

Regards,
Michael

Michael S. Woods
Global Internal Audit
GlaxoSmithKline
Office: (US - RTP) +1.919.483.2264
Mobile: +1.919.260.3616
Michael.S.Woods@gsk.com

Removed attached file: C:\Mailfile backup\Attachments as of May 9 2005\51087948.doc to --> [
file:\\C:\MAILFI~1\ATTACH~1\51087948.doc]

EXHIBIT 4

MICHAEL S. WOODS

Page 1

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

- - -

THOMAS REILLY, : NO. 17-2045

Plaintiff, :

vs. :

GLAXOSMITHKLINE, LLC, :

Defendant. :

- - -

Friday, January 25, 2019

- - -

DISCOVERY DEPOSITION of MICHAEL S. WOODS,
Director, Senior Information Security Consultant,
taken at Reed Smith, LLP, Three Logan Square, 1717
Arch Street, Suite 3100, Conference Room 31C,
Philadelphia, Pennsylvania, commencing at 9:03
a.m., before Gina E. Scheetz, Registered Merit
Reporter, Certified Realtime Reporter, a New Jersey
Certified Court Reporter, a Delaware Certified
Court Reporter, Certified LiveNote Reporter,
Licensed CaseViewNet Realtime Provider, an iCVNet
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MICHAEL S. WOODS

Page 2

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E-mail: mpassero@reedsmith.com

11 Representing the Defendant

12 - - -

13 ALSO PRESENT:

14 ELIZABETH FEENEY,

GlaxoSmithKline, LLC

15

PRESENT TELEPHONICALLY:

16

THOMAS REILLY

17

18 - - -

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20

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22

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24

MICHAEL S. WOODS

Page 3

1 I N D E X

2 WITNESS PAGE

3 MICHAEL S. WOODS, Director,
4 Senior Information Security Consultant

5 By Mr. Pollins 5

6 - - -

7 E X H I B I T S

8 - - -

9 NUMBER DESCRIPTION MARKED

10 GSK 67 Document entitled "AS/400 33
GSF Americas - Investigation
11 Report"

12 GSK 68 E-mail 72

13 - - -

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MICHAEL S. WOODS

Page 4

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2

DEPOSITION SUPPORT INDEX

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- - -

4

Direction to Witness Not to Answer

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Page Line Page Line Page Line

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None

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Request for Production of Documents

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None

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Stipulations

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Page Line Page Line Page Line

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None

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Question Marked

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Page Line Page Line Page Line

18

None

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MICHAEL S. WOODS

Page 5

1 - - -

2 MICHAEL S. WOODS, DIRECTOR,
3 SENIOR INFORMATION SECURITY
4 CONSULTANT, having been duly sworn,
5 was examined as follows:

6 - - -

7 MADAM REPORTER: Would you
8 like the witness to read and sign?

9 MR. PASSERO: Yes.

10 MADAM REPORTER: Thank you.

11 BY MR. POLLINS:

12 Q Please state your full name.

13 A Michael Stanley woods.

14 Q What's your address, Mr.
15 Woods?

16 A 412 Lafayette Drive,
17 Hillsboro, North Carolina 27278.

18 Q We're here for a deposition.
19 You've had a deposition taken before?

20 A No.

21 Q Okay. So I'm gonna give you
22 some preliminary instructions.

23 If I ask you a question and
24 you don't hear my question, please let me

MICHAEL S. WOODS

Page 43

1 Is that Sarbanes-Oxley when
2 you say that in your e-mail?

3 MR. PASSERO: Objection.

4 Where are we talking about?

5 MR. POLLINS: If you look at
6 the second paragraph, second line, it
7 talks about a Sarbanes readiness
8 review. Next paragraph talks about
9 Sarbanes applications.

10 The next line, non-Sarbanes
11 systems. Right after that it says
12 Sarbanes, colon, and it has what
13 looks like three servers, JD Edward,
14 International, JD Edwards and then
15 non-Sarbanes.

16 BY MR. POLLINS:

17 Q So when you say the word
18 "Sarbanes," are you talking about
19 Sarbanes-Oxley?

20 A Yes.

21 Q Okay. And two-thirds of the
22 way down where it says Sarbanes: JD
23 Edwards, and then USSBCH01, what is that?

24 A That's a server name.

EXHIBIT 5



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Transcript of Jo Taylor

Date: January 15, 2019

Case: Reilly -v- Glaxosmithkline, LLC

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

planetdepos.com

IN THE UNITED STATES DISTRICT COURT
AND FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS REILLY	:	Case No:
	:	2:17-CV-
Plaintiff	:	02045-JCJ
	:	
-v-	:	
	:	
GLAXOSMITHKLINE, LLC	:	
	:	
Defendant	:	

Deposition

of

Ms Jo Taylor

On Tuesday, January 15th 2019

Commencing at 12.35 pm

Taken at:

Reed Smith, LLP

Broadgate Tower

20 Primrose Street

London, EC2A 2RS

United Kingdom

Reported by: Miss Pamela Henley

Job No. 224768

Transcript of Jo Taylor
Conducted on January 15, 2019

2

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BY: MR SCOTT M POLLINS

MS TASHELL J JENKINS

(Via telephone)

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Transcript of Jo Taylor
Conducted on January 15, 2019

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7 BY: MS ANNE E ROLLINS

8
9 Court Reporter: Miss Pamela Henley
10
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Transcript of Jo Taylor
Conducted on January 15, 2019

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I N D E X

DEPONENT

Ms Jo Taylor

Examination:

Page No:

By Mr Pollins

8

By Ms Graumlich

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Entry from Risk Management

System Register

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Exhibit 22

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2012

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Exhibit 27

Composite document

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Exhibit 23

Email from Tom Reilly to

Jo Taylor dated April 18,

2012

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Exhibit 20

Email chain

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Exhibit 10

Email chain between Tom

Reilly and Jo Taylor

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Exhibit 11

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Exhibit 6

Email from Dan Mong to Jo

Taylor and Tom Reilly

Transcript of Jo Taylor
Conducted on January 15, 2019

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Transcript of Jo Taylor
Conducted on January 15, 2019

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Transcript of Jo Taylor
Conducted on January 15, 2019

7

1 Deposition Support Index

2

3 Direction to Witness not to answer

4 Page Line

5 63 16

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8 Request for Production of Documents

9 Page Line

10 None

11

12 Stipulations

13 Page Line

14 None

15

16 Confidential Portion

17 Page Line

18 None

19

20

21

22

23

24

25

Transcript of Jo Taylor
Conducted on January 15, 2019

24

1 A. No.

2 Q. Have you ever had any
3 communications with a place called the Serious
4 Fraud Office in the UK?

5 A. No.

6 Q. Do you know what the Serious Fraud
7 Office is?

8 A. Yes, it is an organizational body
9 that investigates serious crimes and fraud.

10 Q. Are you aware of anyone who has
11 ever worked for you at Glaxo that communicated
12 with the Serious Fraud Office?

13 A. No.

14 Q. When you were the iSeries service
15 manager did you have direct reports?

16 A. Yes.

17 Q. Who were they?

18 A. Tom, Rick, Dan, Steve, Mike -- and
19 Mike Evani (phonetic).

20 Q. When you say, "Rick" you mean
21 Rick Oberholzer?

22 A. Yes.

23 Q. And when you say, "Dan" you mean
24 Dan Mong?

25 A. Yes.

Transcript of Jo Taylor
Conducted on January 15, 2019

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1 A. No, because I went out on adoption
2 leave for a period.

3 Q. Did you ever do a performance
4 review for Tom Reilly?

5 A. Yes.

6 Q. How many?

7 A. 2.

8 Q. What years were those?

9 A. '13 and '14.

10 Q. Was one better than the other?

11 A. Yes.

12 Q. Which one was better?

13 A. 2013.

14 Q. Why was 2013 performance for
15 Tom Reilly better than 2014?

16 A. Because I had only recently taken
17 on the team when the performance reviews were due
18 to be done at the end of the year, and I was still
19 getting to know the team, and I based my
20 performance review on feedback from Brian Gillies
21 and what I had observed in the 3 or 4 months since
22 I took over.

23 Q. So why did that mean that one was
24 better than the other? I am not -- I do not
25 understand.

Transcript of Jo Taylor
Conducted on January 15, 2019

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1 to put the phone on mute and not, like, re-call
2 back in, is that okay?

3 MS GRAUMLICH: Yes.

4 (Off the record at 1.34 pm)

5 (Recess taken)

6 (On the record at 1.39 pm)

7 BY MR POLLINS:

8 Q. Ms Taylor, have you ever heard of
9 the term, uncapped processors?

10 A. Yes.

11 Q. What does that mean?

12 A. It means that a system is able to
13 use all of the resources that it has got.

14 Q. So what would that mean for an
15 AS400?

16 A. It would mean that if a frame has 3
17 central processing units that any of the LPARs on
18 that frame could make use of those processors if
19 they are free and idle.

20 (Reporter clarification)

21 Q. What is an LPAR, Ms Taylor?

22 A. It is a logical partition or carve
23 up of a system to create a server.

24 Q. Does that -- when processors on
25 this type of system are uncapped does that impact

Transcript of Jo Taylor
Conducted on January 15, 2019

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1 change how the service was doing. You know, doing
2 knowledge transfer sessions so that the US could
3 support the UK machines, and the UK could support
4 the US machines. We looked at changing the
5 service model so that the team were not on call
6 out every week-end. That, you know, they could
7 move to a 1 in 4 way of being on call.

8 And also, you know, there was an
9 external conference that was running and we would
10 normally only send 1 person to that. But on that
11 occasion I decided to send two in the hope that,
12 you know, spending some, you know, time together,
13 some social time together, as well as, obviously,
14 you know, attending the business conference that
15 might, you know, help build relationships.

16 Q. Okay. Take a look at GSK-10. It
17 is a several page email. Let us take 5 minutes. It
18 will take you a couple of minutes to review that.
19 I have to go to the rest room.

20 MS GRAUMLICH: We need to take a
21 break on this end as well. So what was the number
22 of the exhibit?

23 MR POLLINS: GSK-10.

24 (Exhibit 10 marked for identification)

25 (Off the record at 2.50 pm)

Transcript of Jo Taylor
Conducted on January 15, 2019

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1 (Recess taken)

2 (On the record at 2.58 pm)

3 BY MR POLLINS:

4 Q. Ms Taylor, have you had a chance to
5 review GSK-10?

6 A. Yes.

7 Q. What is that you and Tom are
8 discussing in these emails?

9 A. So the subject of the email was
10 notification of a physical security and data
11 integrity audit. However, the subject of Tom's
12 email is around performance issues across multiple
13 systems that have nothing to do with the Panama
14 audit.

15 Q. Why don't they have anything to do
16 with the Panama audit?

17 A. Because they are talking about
18 systems that are not the Panama market.

19 Q. So it is just a geographical thing
20 then?

21 A. Yes, he is talking about -- so, for
22 example, 6P9 does not support the Panama market,
23 it supports Malaysia.

24 Q. And who is doing this audit?

25 A. I believe it was the Panama

Transcript of Jo Taylor
Conducted on January 15, 2019

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1 government tax authority.

2 Q. Is that who Graciela is?

3 A. No, she was the -- I believe she
4 was a finance manager in Panama.

5 Q. Who worked for Glaxo?

6 A. Yes.

7 Q. So the audit was being done by the
8 Panamanian government?

9 A. Yes.

10 Q. Okay.

11 A. I believe so.

12 Q. Why did you -- in the first page at
13 the top of the first page -- why do you mention
14 PwC, which I assume you mean
15 PriceWaterhouseCoopers?

16 A. Yes, so I do not believe I was
17 copied into the full email thread and my
18 assumption was it was an external auditor, and PwC
19 were our external auditors at the time.

20 Q. Okay. And why do you say that you
21 do not want the external auditor,
22 PriceWaterhouseCoopers, picking up any insights
23 that are not part of the current scope?

24 A. So the scope of the audit was very
25 clear on what they were coming in to do, and that

EXHIBIT 6

From: David Chan
Sent: 09 March 2012 11:57
To: Brian Gillies
Cc: Jo Taylor
Subject: AS400 change reviews

Hi Brian, Jo,

Congratulations on your role swap. Sounds like a great development move and a challenging one for both of you taking on such different responsibilities. Good luck from next week and hope it all goes well.

Wrt **AS400 Change request**, can I just clarify who will be reviewing AS400 changes in future from the team, as current Brian is the Service Owner and therefore carries out the technical review of the changes? As I believe Jo isn't yet qualified to review the changes technically, will the service ownership of the components be passed to someone else within the team, or is the plan to make Jo the Service Owner AND add another team member to the components to be the technical reviewer?

Just want to make sure this is covered in your transition, as I don't want to start rejecting changes because of a lack of technical reviewer.

Thanks

Dave

EXHIBIT 7

From: Tom Reilly
Sent: Wednesday, April 18, 2012 1:53 PM
To: Jo Taylor
Subject: Sarbox Audit

Hi Jo, There was a Sarbox audit discussion at yesterday's team meeting that I wanted to follow up on because no one else did. I understand that production Enterprise One Financial and Order Management server KOPSA3P3 is in scope for the Sarbox audit so wanted to bring to your attention some risks which you can disregard if you determine they've been addressed or think they're not of concern. The two other servers sharing that frame, KOPSA3P1 and KOPSA3P2, were delivered in a vacuum years ago as JDE One World servers. Both were built and delivered to the client with no TIPs, Quality Documentation, System/Security Management Utilities, or visibility/turnover to the various support groups like Access Management, Logging and Monitoring, etc. The System and Security Management Utilities were retrofitted later by me because of technical system management problems and support was informally turned over to Data Center Operations. KOPSA3P2 was eventually rebuilt to spec by me during OMARR as an Enterprise One development server and I also delivered, tuned, load balanced, automated production Enterprise One server KOPSA3P3 and assisted NAIT with standardizing application resource security. KOPSA3P1 (as part of OMARR?) was eventually included retrospectively in a Hardware Design Specification and currently serves as the production cost center reporting server but is still very non standard and non compliant. KOPSA3P1 was supposed to be decommissioned so it was decided, against my recommendation, that there was no need to standardize, provide security reports, remediate the risks, or treat it as a financial Sarbox server. Since the decision not to remediate, the role of that server may have, though I'm not sure, been expanded to include data repository for production Enterprise One data although I'm not sure whether it's financial, order management, or both in nature. Access Management still do not provide account provisioning or security administration support on KOPSA3P1 which is provided by the application support team and I still don't believe there's any visibility or monitoring of the security reports which show many violations. I copied some information below and attached three recent security reports from that server which I believe auditors would take exception to if they followed the trail from KOPSA3P3 and started asking questions. I'm not sure what type of turnover you received when you took your new role but KOPSA3P1 is an undocumented and somewhat unsupported server hosting business critical production data which is why I feel obligated to bring it to your attention so that you're not blindsided. This has been a sore subject in the past which was met with hostility and wasn't up for discussion so I hope I'm not exposing myself. My influence over the past few years has been significantly reduced because of office politics and maybe I've been out of the loop too long and these issues have been addressed in PAMS as exceptions w/o my knowledge but I'm trying to be transparent and offer this to you for what it's worth. Tom

User Id	Special Authorities						
BELTZK01	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
BLENDER	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
BLENDOR	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
BOUNCER	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
CIPWEB	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_ARIBAPD	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_ARIBAPY	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_BLENDOR	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_CANPD	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_CANPY	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_CNADPD	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_CNADPY	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_MAPBL	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_MAPPER	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_MAPUK	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE

D_MATRIX	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_MATRIXU	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_MIRROR	*ALLOBJ	*IOSYSCFG	*JOBCTL				
D_PRPD	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_PRPY	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_SAVVION	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_SAVVIONU	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D_SHADOW	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
DECRYPTOR	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
DPAGINAT	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
D2	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
ENFORCER	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
GAURDIAN	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
GILLIB00	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
GUARDIAN	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
IWC9848	*ALLOBJ	*SAVSYS	*SECADM	*SPLCTL			
JDEPGMR	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
JENIFER	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
JWM98400	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
KRASTL00A	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
LAKEVIEW	*ALLOBJ	*SAVSYS					
MIMIXOWN	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
MONITOR	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
OMNIENT	*ALLOBJ	*JOBCTL	*SPLCTL				
OMWTERRY	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
OWSECURE	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
PASSWORD	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
PERISHER	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
RBTADMIN	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
SECOR	*ALLOBJ	*AUDIT	*IOSYSCFG	*JOBCTL	*SAVSYS	*SECADM	*SERVICE
SHADOW	*ALLOBJ						

EXHIBIT 8

From: Jo Taylor
Sent: Wednesday, January 16, 2013 2:22 AM
To: Tom Reilly
Subject: Re: INSPECTION TO PANAMA-SERVERS - STATUS? Monthend Performance

Hi Tom

Understand but let's keep the focus and scope tight on the audit. We do not want PWC picking up any insights that are not part of the current scope

Do not mention this to Graciela. If she does just politely request that its discussed on another day

Thanks

Jo

Sent from my iPhone

On 15 Jan 2013, at 19:06, "Tom Reilly" <Tom.Reilly@gsk.com> wrote:

Jo, I'll be spending time with Graciela on Thursday and know her well enough to be sure the subject of server performance will come up, and for valid reasons, even if out of scope regarding the purpose of her visit. A while back when Latina were consolidating users/workloads on KOPSA1P2 (under my radar) and before shared processors were enabled, I worked with her on an emergency basis to resolve much less severe performance problems which I did successfully. At this point, every processing resource threshold on that server including memory faulting, disk arm utilization, and end user response time are out of range and unacceptable. Non peak performance on KOPSA1P2 can be bad but the December/January month end performance was horrendous, much worse than India Cx, so I'm preparing myself for the subject to be broached during her visit.
Tom

> Wednesday 2-January @ 13:00
>
> [cid:image018.png@01CDF322.2E07E780]
> [cid:image019.png@01CDF322.2E07E780]
> [cid:image020.png@01CDF322.2E07E780]
>
>
> Wednesday 2-January @ 17:30

>
> [cid:image021.png@01CDF322.2E07E780]
> [cid:image022.png@01CDF322.2E07E780]
> [cid:image023.png@01CDF322.2E07E780]
>

From: Jo Taylor
Sent: Friday, August 17, 2012 4:08 AM
To: Tom Reilly
Subject: RE: INSPECTION TO PANAMA-SERVERS - STATUS? Monthend Performance

Tom

I will support you on this but I urge you to talk to your team mates about this further. We also have the option of bringing in IBM who would be able to validate your findings if you feel you lack creditability within the team, although I don't think you actually need that.

I'd like to see some performance graphs over time rather than green screens if possible to demonstrate more easily what you are trying to say.

Dan is on point for bringing learning back from BCO Project on Capacity and Performance, so that we can implement the same service within the AS400 team (not the same tool probably, just the process). If you want I can facilitate a discussion between you and Dan but I do feel you will gain more "friends" by offering to help set up the capability and lead between you a Continuous Service Improvement to resolve these issues. However to start this gather the data graphs, Voice of the Customer feedback to support you.

With regard to the audit, I doubt they will ask any performance questions. As I understand it the scope is on installation, physical security, and Data Integrity/Protection.

With regard to 6P9, I'll reach out to Mike and Steve to discuss with you your thoughts on the issue, but again have the facts and data (graphs) to support your case.

Thanks for once again bringing this to my attention

Regards

Jo.

> _____
>
> [cid:image001.png@01CCDAAA.2FC3AC30]

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From: Tom Reilly
Sent: 16 August 2012 20:50
To: Jo Taylor
Subject: RE: INSPECTION TO PANAMA-SERVERS - STATUS? Monthend Performance

Hi Jo, In light of Graciela's upcoming Panama inspection/audit visit to the GDC, I feel obligated to bring Latina month end performance to your attention again. I know we've discussed this and you prefer to wait until they raise it as an issue but it would be awkward and generate negative visibility if raised during their visit and the below were to jump off the screen. I won't be here during their visit but know Graciela personally so believe the issue will be raised and wouldn't be surprised if the visit weren't in some way related to poor performance. The Latina servers experienced performance problems last year during their JDE consolidation, because workload was being added under the radar, but they sat on the issue for some time before reporting it to us. I was able at the time to retune the server and solve the problems once they were brought to my attention but can no longer do the same because both performance strategy and my influence changed direction suddenly.

Similar performance issues are surfacing on other servers in the fleet but different people with different levels of understanding and expertise get involved so it's unclear who owns performance and seems our approach it inconsistent.

That's the case on US1SA6P9 where I thoroughly disagree with the action taken and the response sent to Julie but then again I see things that others don't. The action appears to have been done to address the symptoms but in my opinion are actually going to make the problems worse. I also heard that E1/OMARR users are again reporting performance problems which will make my CHNA ERP integration involvement awkward because I disagree with our basic performance strategy and will only be able to offer a finger in the wind. It may be time to identify a performance subject matter expert within the team (doesn't have to be me) to own performance including CHNA ERP and to set direction so we at least have a consistent approach.

I can offer more background on this if you'd like to discuss but I understand my opinion is not necessarily shared by others so would like to avoid a defensive group discussion or be viewed as a non flexible thinker. My opinion may be in the minority but that doesn't necessarily make it wrong. I've been tuning servers for 25+ years and was the subject matter expert within GSK for years who tuned almost exclusively. If my credibility on the subject is in question or I can't influence basic performance strategy, I'd prefer not to be involved in or held accountable for the success of something like CHNA ERP integration which is so mission critical but in my opinion being approached in a way that's unpredictable and unsustainable. Hope I didn't say too much by expressing my views but feel it's necessary to express my opinion since I'm usually the first one approached regarding performance but find myself biting my tongue so as not to rekindle controversies of the past. Tom

KOPSA1P2 month end performance print screens below: For background purposes, 99% of end users on a well tuned server should have sub second response time (Avg Rsp) each time they press Enter (Tns Count)...

EXHIBIT 9

From: Tom Reilly

Sent: Wednesday, April 10, 2013 7:28 AM

To: Jo Taylor

Subject: RE: AAR Review - JDE Performance Issues

Jo, I feel the need to share my opinion on this After Action Review before today's TC even if it's controversial. I'd said for months and as late as mid January, weeks before this incident and escalation began, that KOPSA3P3 was I/O unstable due to uncapped processors but over resourced to compensate. Although I wasn't aware of or asked to participate in the Canada JDE to E1 migration, I did raise concerns at the same time that members of our team were being asked in general to do things for which they were unqualified although we agreed to disagree. NAPIT assumed because of past E1 performance tuning and load testing that we would do a performance/capacity analysis during this effort and make detailed recommendations to avoid such an incident. The people from our team assigned to participate in this effort didn't take capacity and/or performance into consideration and instead treated the effort more as a simple save/restore exercise. After the escalation began, Al Washco requested of Angela that I be part of the SWAT team because of my experience with the initial delivery of E1 and later migration of OMARR. I went to Franklin Plaza to participate in the SWAT team as the EIS performance SME but my recommendations were initially redirected and misinformation was distributed to you and EIS leadership. I was supposed to be in charge at FP of the remediation from an AS400 Server Operations standpoint and my reputation was at stake with NAPIP but I was reprimanded instead for pointing out the exclusion of my opinion and misinformation in the daily update. My analysis, recommendations, and procedures eventually stabilized the service although others, including those who actually contributed to the problems, shared credit for the remediation. In my opinion, if I'd been involved in the Canada JDE migration, the incident/escalation would have been prevented and, if problems had arisen, the remediation would have gone smoothly if my subject matter expertise and opinion were valued. The lack of communications between our team and extremely undisciplined actions during the remediation caused things to happen which put the entire recovery

effort at risk. NAPIT and the EIS BP engaged AS400 server operations on this combined E1 software upgrade and Canada JDE migration effort as they should so in my opinion did their job and did not contribute to the incident. If we don't learn a lesson from this, there's a risk that the same will happen with upcoming BPCS and JDE migrations. Tom

-----Original Appointment-----

From: Angela Tokarski

Sent: Friday, March 22, 2013 9:53 AM

To: Angela Tokarski; Jo Taylor; Tom Reilly; Al Washco; Amit Joshi; William O'Shea

Subject: AAR Review - JDE Performance Issues

When: Wednesday, April 10, 2013 10:00 AM-11:00 AM (GMT-05:00) Eastern Time (US & Canada).

Where: Live Meeting

When: Wednesday, April 10, 2013 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: Live Meeting

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Rescheduling due to unavailability of key members of the SWAT team.

All,

I agreed to create an After Action Review as an outcome from the SWAT team established to remediate performance issues encountered post implementation of the JDE/E1 project.

The purpose of this meeting is to discuss and document lessons learned.

Angela

-+-----+-----+-----+-----+-----+-----+-----+-----+-

Angela Tokarski has invited you to attend an online meeting using Microsoft® Office Live Meeting service.